

PUBLIC EMPLOYMENT RELATIONS COMMISSION

OUTSIDE EMPLOYMENT POLICY

Introduction

New Jersey's Conflict of Interest Law distinguishes between the need of governmental agencies to deliver their services ethically and efficiently and the ability of governmental employees to engage in outside employment that does not impede the agency's mission or operations. This policy provides guidelines for making that distinction in light of PERC's mission and its employees' interests.

Our reputation for neutrality is our life blood; collectively, Commission employees hold that reputation in trust for the agency, for each other, and for the public. This policy protects that reputation. It presumes that our employees will act consistently with these guidelines and that outside employment will be permissible if it is not inconsistent with a rule or principle described in this policy.

A. General Rules

1. Employees of the New Jersey Public Employment Relations Commission may not engage in any outside employment that creates a conflict of interest with their Commission employment or that creates a justifiable impression that such a conflict of interest may exist or that the Commission's neutrality can be reasonably questioned. The Commission's Ethics Officer must be satisfied that any outside employment does not create such a conflict or impression.

2. Except as permitted under B.2, Commission employees may not be employed by any governmental entity covered by the New Jersey Employer-Employee Relations Act or any party, practitioner, attorney, or law firm of an attorney who regularly appears before the agency.

3. Each full-time employee's position with the Commission must be the employee's primary employment and the employee's agency duties must take precedence over all outside employment.

4. Outside employment may not be performed during the employee's work hours unless the employee charges vacation time or administrative leave.

5. Outside employment may not involve the use of Commission equipment, materials, supplies, secretarial services, computers or data bases.

Employees may receive or make an occasional phone call during working hours but cannot routinely use Commission offices for outside business.

6. Outside employment may not require or induce disclosure of sensitive information obtained while working as a Commission employee.

7. Every Commission employee shall fill out a Conflict of Interest Questionnaire annually. That questionnaire shall require disclosure of all outside employment. The questionnaire shall be filed with the Director of Administration and reviewed by the Ethics Officer. Every Commission employee shall fill out an amended Conflict of Interest Questionnaire promptly disclosing each new outside employment arising after an annual questionnaire has been filed.

8. Commission employees must receive advance approval from the Ethics Officer of all outside employment involving employment relations. In addition, employees must notify their section directors of all outside employment.

B. Specific Applications

1. Arbitration and Mediation

a. A Commission employee may not be a member of any arbitration or mediation panels maintained by the Commission or the New Jersey State Board of Mediation.

b. A Commission employee may not accept employment as an arbitrator or mediator or as a research or writing assistant to an arbitrator or mediator in any labor relations disputes within New Jersey.

c. A Commission employee may not accept employment as an arbitrator or mediator or as a research or writing assistant to an arbitrator or mediator in any out-of-state case paid for by any party, practitioner, attorney, or law firm of an attorney who regularly appears before the agency.

d. A Commission employee receiving a case appointment as an arbitrator or mediator or as a research or writing assistant to an arbitrator or mediator must immediately send the Ethics Officer a memorandum listing the parties, representatives, and attorneys involved in that appointment. An employee's section director must be notified of the dates and times of an arbitration or mediation to be conducted by that employee.

2. Teaching

a. This policy encourages Commission employees to share their employment relations expertise by teaching. In addition to the requirements of A.8, any teaching opportunity involving employment relations subjects must be approved in advance by the Chair. An employee wishing to teach an employment relations subject must submit to the Chair a memorandum describing the course desired to be taught, the institution where offered, and the time and dates that the course is to meet. The Chair will consult with the Ethics Officer and issue a memorandum approving or disapproving the request. The request will presumably be granted absent any neutrality concerns or conflicts of interest.

b. If an employee teaches any course at a public institution within New Jersey, the employee must recuse himself or herself from any Commission proceeding involving that institution unless the employment is disclosed and all parties agree that recusal is unnecessary.

c. Any employee teaching any course at a public institution cannot be a member of a negotiations unit of that institution or be involved personally or professionally, except as permitted by B.2b, with any labor-management issues at the institution.

3. Practice of Law

a. An attorney employed by the Commission shall not appear in court to represent any party other than the Commission, or engage in the private practice of law in any other way, whether or not the attorney receives compensation; except that an attorney may, without compensation, represent himself or herself or a member of his or her immediate family.

b. A prior written request seeking any such exception must be submitted to the General Counsel and written authorization must be received.

4. Compensation for published work(s)

N.J.A.C. 19:61-6.7 governs this topic. Consistent with that regulation:

a. A Commission employee may not accept compensation for published works created as part of his or her duties on Commission time using Commission resources.

b. A Commission employee may not accept compensation for

published work(s) from any party, practitioner, attorney, or law firm of an attorney who regularly appears before the agency.

c. A Commission employee may accept compensation for published works if B.4a and B.4b are not violated, if the requirements of A.8 are satisfied, and if approval is received from the Chair. An employee wishing to write a work for publication must submit a memorandum describing the work to be produced, the identity of the publication, and the compensation to be received. In determining whether to grant such approval, the Chair will consult with the Ethics Officer and determine whether publishing the article will create any conflict of interest or justifiable impression of such a conflict or any question about the Commission's neutrality. Published works concerning subjects besides employment relations will presumably be approved.

d. The Commission employee shall prepare the published work(s) on his or her own time, without using the services of other Commission employees or resources.

e. The Commission employee shall not use the employee's title in soliciting compensation and shall indicate that the employee's views do not represent those of the agency.

5. Labor Relations Consulting or Training

a. A Commission employee may not be employed as or by a consultant or trainer in connection with any employment relations matters or issues within New Jersey.

b. A Commission employee may not be employed as or by a consultant or trainer by any party, practitioner, attorney, or law firm of an attorney who regularly appears before the Commission.

c. A Commission employee may not be employed as or by a consultant or trainer by a firm or entity that is aligned with either management or unions in labor relations disputes.

d. In addition to the requirements of A.8, any employment relations consulting or training employment must be approved in advance by the Chair. An employee wishing to serve as an employment relations consultant or trainer must submit to the Chair a memorandum describing the consulting or training program, the employer, and the times and dates of the consulting or training. Such request will be reviewed to ensure that the agency's neutrality will

be preserved and that no conflict of interest exists. The Chair will consult with the Ethics Officer and issue a memorandum approving or disapproving the request.

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